

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

B.K.A. o/b/o E.K.,

Plaintiff,

Stafford

v

Judge Jonathan J.C. Grey

Magistrate Judge Elizabeth A.

No. 24-10590

PLYMOUTH-CANTON COMMUNITY
SCHOOLS,

Defendant.

/

DORENE PHILPOT (P84063)
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DECLARATION OF DORENE PHILPOT

1. Comes now Dorene Philpot and offers a declaration in lieu of an affidavit, consistent with U.S. 28, Part V, Chapter 115 § 1746.¹
2. My name is Dorene Philpot. I am over age 21, I have never been convicted of a felony or crime involving moral turpitude; and I am fully competent to make this declaration.
3. I have personal knowledge of the facts contained in this declaration, and the facts are true and correct and within my personal knowledge.
4. I am one of the attorneys for Plaintiffs in this matter.
5. The documents submitted as exhibits 1, 2, 3 and 4 with the Opposed Verified Motion and Brief to Enforce Settlement Agreement are true and accurate copies of documents I received in this matter from either counsel for Defendant or from the State of Michigan's DocuSign system. The only change is that I redacted the full name of the minor student, leaving only

¹ U.S. 28, Part V, Chapter 115 § 1746 states: "Unsworn declarations under penalty of perjury, which states: "Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:
(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".
(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

- her initials on Exhibit 3.
6. The June 7, 2024, mediation lasted approximately five hours.
 7. I received an email on July 2, 2024, in which counsel Comstock indicated that if Plaintiffs would not agree to sign the settlement agreement that he sent (which included various unbargained for / not agreed provisions) “then the Defendant would inform that Court that it is withdrawing its approval of Term Sheet executed on June 7, 2024.”
 8. My clients have incurred and are continuing to incur attorney fees for my and for my co-counsel’s additional work due entirely to Defendant and/or Defendant’s counsel’s protraction of these proceedings after the June 7, 2024, mediation.
 9. I have had experience with hundreds of mediation agreements in IDEA cases.
 10. Numerous provisions that counsel Comstock has attempted to insert into the settlement were never discussed at mediation and never agreed to but appeared for the first time post-mediation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Dated: July 08, 2024

s/Dorene Philpot

Dorene Philpot

Respectfully submitted,

s/Dorene Philpot

Dorene Philpot

Texas Attorney Number 24055011

Michigan Attorney number P84063

Indiana attorney number 22055-49

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CERTIFICATE OF ELECTRONIC SERVICE

Dorene Philpot states that on July 8, 2024, she did serve a copy of this motion and brief via the United States District Court electronic transmission.

s/Dorene Philpot

Dorene Philpot (P84063)

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